

### **Remarks**

Reconsideration of this Application is respectfully requested.

Claims 1-20, 96, and 97 are pending in the application, with claims 1, 96, and 97 being the independent claims. Claims 21-95 were previously cancelled. Claims 1, 96, and 97 are currently amended to clarify the claimed invention. Support for these amendments is found at least at, for example, paragraphs [0038], [0040], [0044], and [0069]-[0070] of the instant specification. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Accordingly, based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

### ***Rejections under 35 U.S.C. § 103***

On pages 3-6 of the Office Action issued November 5, 2007, claims 1-6, 11, 16, 17, 96, and 97 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 5,873,069 to Reuhl *et al.* (hereinafter "Reuhl") in view of U.S. Patent No. 6,102,969 to Christianson (hereinafter "Christianson").

With regard to the Examiner's response to Applicant's previously-submitted arguments on pages 10-11 of the Office Action, in which the Examiner continues to characterize the combination of Reuhl and Christianson as teaching or suggesting the features recited in independent claims 1-6, 11, 16, 17, 96, and 97, Applicants respectfully disagree with this characterization and traverse for the following reasons. The applied references, alone or in the allegedly obvious combinations, do not describe each and

every element as set forth in 1-6, 11, 16, 17, 96, and 97. Further, independent claims 1, 96, and 97 recite features that distinguish from the applied references.

For example, claim 1 as amended herein recites:

detecting, at a remote computer, product purchase information of a plurality of different retailers from points-of-sale associated with the respective retailers, the product purchase information including at least purchase price information comprising at least the price at which the at least one item was purchased at each of the retailers, the remote computer located remote from the retailers;  
receiving, at the remote computer, a shopping list of a customer, the shopping list including at least one item; and  
in response to receiving the shopping list, initiating communication to the customer via the remote computer, of purchase price information associated with the at least one item from the shopping list for the plurality of retailers, wherein the purchase price information includes at least the prices that the at least one item from the shopping list was purchased for from the plurality of retailers.

On pages 3 and 11 of the Office Action, the Examiner continues to assert that the purchase price detection features of claim 1 are disclosed in Reuhl in lines 18-28 of column 3, lines 64-68 of column 8, lines 15-32 of column 10, lines 11-23 of column 11, and Fig. 8. Applicants are unable to identify in the sections of the applied references cited by the Examiner, or in other sections, any teaching or suggestion upon which the elements of “detecting, at a remote computer, product purchase information of a plurality of different retailers from points-of-sale associated with the respective retailers, the product purchase information including at least purchase price information comprising at least the price at which the at least one item was purchased at each of the retailers”, as recited in claim 1. In contrast, Reuhl's system relies on user-inputted product and price data for competitor price information, including the “competitor's shopped prices and

advertised prices” (Reuhl, col. 4, lns. 14-16 and 30-35, col. 9, lns. 1-4, col. 15, lns. 11-24 and 34-44, col. 16, lns. 5-27).

On page 4 of the Office Action, the Examiner acknowledges that Reuhl does not teach “detecting price information of a plurality of different retailers from points-of-sale associated with the respective retailers,” as recited in claim 1. Rather, the Examiner relies on Christianson to teach or suggest this feature. However, Christianson does not cure these deficiencies of Reuhl with respect to independent claim 1.

On page 11 in the response to arguments, the Examiner states that Christianson teaches using a shopbot to detect advertised prices from a variety of retailers in lines 14-42 of column 6. Applicants have examined lines 14-42 of column 6 and other sections of Christianson and are unable to identify a disclosure in Christianson of detecting past purchase price information of a plurality of different retailers from points-of-sale associated with the respective retailers, as recited in claim 1.

In contrast to detecting purchase price information, Christianson teaches that a shopbot is a netbot for shopping and that “a netbot preferably also has a specific input query screen” used for user-inputted queries (Christianson, col. 5, lns. 55-59, col. 6, lns. 24-27). Christianson, however, lacks any teaching or suggestion of detecting, at a remote computer, product purchase information of a plurality of different retailers from points-of-sale associated with the respective retailers, the product purchase information including at least purchase price information comprising at least the price at which at least one item was purchased at each of the retailers, as recited in claim 1.

Christianson's system is limited to “a query router” that “receives as input a user query expressed as a list of words or keywords” (Christianson, col. 14, lns. 44-47) and

does not detect product purchase information at a remote computer. In contrast, claim 1 recites detecting, at a computer located remote from retailers, product purchase information including purchase price information of a plurality of different retailers from points-of-sale associated with the respective retailers. Christianson's system only returns "product name, model, and price" for an item offered for sale (Christianson, col. 6, lns. 7-11 and 32-37). However, Christianson does not teach or suggest detecting and communicating product purchase information that includes purchase price information, as recited in claim 1.

On page 3 of the Office Action, the Examiner continues to characterize Reuhl's "enterprise-wide" price processing system for "a retailer with many locations" (Reuhl, col. 3, lns. 18-23) as detecting product purchase information from a plurality of different retailers, on a computer remote from the retailers, as recited in claim 1. Applicants respectfully disagree. Reuhl's system is limited to "price management and a central system for a plurality of goods in a plurality of markets" for a single retailer that "prices and reprices items responsive to market changes, such as competitors' shopped prices and competitors' ad price" wherein competitor's advertised and shopped prices are inputted into the centralized system (Reuhl, col. 3, lns. 18-22, col. 4, lns. 14-19, col. 18, lns. 28-33).

On page 4 of the Office Action, the Examiner states that Christianson's use of netbots for shopping, or shopbots, combined with Reuhl teaches all of the above-recited features of claim 1. Applicants disagree and traverse for the reasons stated below.

Christianson's shopbots "include a specific input query screen" (Christianson, col. 6, lns. 23-27 and FIGs. 2A and 2B) for users to enter search criteria for products, and

searches entered via the shopbots return product names and advertised prices for the products (Christianson, col. 6, lns. 7-11 and 32-37). However, Christianson lacks any teaching or suggestion of detecting product purchase information including at least purchase price information of a plurality of different retailers from points-of-sale associated with the respective retailers, as recited in claim 1.

Reuhl is concerned with user-inputted advertised prices which are defined in Reuhl as “a price for an item described or shown in an advertisement, written or otherwise, usually valid for a prescribed time period” (Reuhl, col. 6, lns. 57-61). In contrast, claim 1 recites “detecting” product purchase information that includes at least purchase price information “at a remote computer.” Thus, advertised prices in Reuhl are not purchase prices of items, as recited in claim 1. Reuhl defines shopped prices as “the price on the competitor's price tag on an item” (Reuhl, col. 6, lns. 54-57).

In Reuhl's system, users must input product and price data using a plurality of entry screens (Reuhl, col. 14, ln. 65 to col. 15, ln. 24, col. 15, lns. 34-44, and col. 16, lns. 5-27). Reuhl may disclose automatically adjusting a retailer's price in response to user-inputted advertised, shopped, and competitor prices using data entry screens (Reuhl, col. 4, lns. 14-16, col. 9, lns. 43-48, col. 11, lns. 11-26 and 34-44, FIGs. 16, 18, and 19). However, Reuhl does not teach or suggest “detecting” “product purchase information at a plurality of different retailers from points-of-sale associated with the respective retailers,” as recited in claim 1.

Neither Christianson nor Reuhl, alone or in the alleged obvious combination, suggest detection of product purchase price information for a plurality of different retailers from points-of-sale associated with the respective retailers, as recited in claim 1.

Accordingly, claim 1 is patentable over the applied references. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 and request that the Examiner find it allowable over the applied references.

Dependent claims 2-20, which depend upon independent claim 1, are allowable for at least being dependent from an allowable independent claim, in addition to their own respective distinguishing features. See *In Re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) and M.P.E.P. § 2143.03. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this rejection of these claims, and find them allowable over the applied references.

Claims 96 and 97

On page 7 of the Office Action, claims 96 and 97 were rejected based on the same rationale applied to claim 1. Claims 96 and 97 recite a computer and article with distinguishing features similar to claim 1, and thus are patentable over the applied references for similar reasons as discussed above. Thus, for at least the reasons stated above, Applicants respectfully submit that claims 96 and 97 are patentable over the applied references, and request that the rejection of these claims be reconsidered and withdrawn. As argued above, the applied references taken singly or in the allegedly obvious combination do not teach or suggest detecting product purchase information of a plurality of different retailers from points-of-sale associated with respective retailers located remotely from the remote computer, the product purchase information including at least purchase price information comprising at least the price at which at least one item was purchased from each of the retailers;

For example, claim 96 as amended herein recites a computer program stored in a computer's memory, the computer program operable to be executed on the computer's processor and further operable to:

detect product purchase information of a plurality of different retailers from points-of-sale associated with the respective retailers located remotely from the remote computer, the product purchase information including at least purchase price information comprising at least the price at which at least one item was purchased from each of the retailers; receive a shopping list of a customer, the shopping list including at least one item; and  
in response to receiving the shopping list, initiate communication to the customer of purchase price information associated with the at least one item for each of the retailers, wherein *the purchase price information includes at least the prices that the at least one item from the shopping list was purchased for from the plurality of retailers.* (Emphasis added)

Amended claim 97 recites an article comprising a medium for storing instructions that enable a remote computer to:

detect product purchase information of a plurality of different retailers from points-of-sale associated with the respective retailers located remotely from the remote computer, the product purchase information including at least purchase price information comprising at least the price at which at least one item was purchased from each of the retailers; receive a shopping list of a customer, the shopping list including at least one item; and  
in response to receiving the shopping list, initiate communication to the customer of purchase price information associated with the at least one item for each of the retailers, wherein *the purchase price information includes at least the prices that the at least one item from the shopping list was purchased for from the plurality of retailers.* (Emphasis added)

The computer program of claim 96 and article of claim 97 enable a remote computer to detect product purchase information of a plurality of different retailers from points-of-sale associated with the respective retailers located remotely from the remote computer, wherein the purchase price information includes at least the price at which the at least one item was purchased at each of the retailers. As discussed above, while the

applied references may disclose systems displaying user inputted advertised or 'shopped' prices, Reuhl and Christianson, taken singly, or in the allegedly obvious combination do not teach or suggest detecting, at a remote computer, from a plurality retailer's point-of-sale systems, prices that items have been purchased for. Thus, for at least the reasons stated above, Applicants respectfully submit that claims 96 and 97 are patentable over Reuhl and Christianson, and request that the rejection of these claims be reconsidered and withdrawn.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 96 and 97.

Claims 7-10

On page 7 of the Office Action, claims 7-10 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Reuhl in view Christianson and in further view of U.S. Patent Application Publication No. 2001/0014868 to Herz *et al.* (hereinafter "Herz"). Applicants respectfully traverse this rejection for the reasons stated below.

Claims 7-10, which depend from independent claim 1, are also patentable over the applied references for reasons similar to those set forth above with respect to claim 1, and further in view of their own respective features.

On page 7 of the Office Action, the Examiner acknowledges that the combination of Reuhl and Christianson do not disclose storing product purchase information from the plurality of retailers in association with customer identification numbers. Rather, the Examiner relies on Herz to teach or suggest this feature. However, Herz does not cure these deficiencies of Christianson and Reuhl with respect to claims 7-10.



Claim 7 depends from independent claim 1. As argued above with regards to claim 1, although the allegedly obvious combination of Reuhl and Christianson may disclose displaying user inputted advertised or shopped prices, the applied references, taken singly, or in combination do not teach or suggest detecting, at a remote computer, from a plurality retailer's point-of-sale systems, prices that items have been purchased for. The Examiner asserts that Herz teaches customizing prices and promotions tailored to shoppers by storing product information from a plurality of stores in association with customer identification numbers. Applicants respectfully disagree. Herz may disclose a system that determines customized prices and promotions to offer to a shopper that is identified by a name or customer identification number (Herz, paragraphs [0024] and [0029]-[0035]). However, Herz does not teach or suggest storing product purchase information, the product purchase information including at least purchase price information comprising at least the price at which at least one item was purchased at each of a plurality of retailers, in association with customer identification numbers, as recited in claim 7.

Claims 8-10, which depend from dependent claim 7, are also patentable over the applied references for reasons similar to those set forth above with respect to claim 7, and further in view of their own distinguishing features.

Accordingly, Applicants assert that claims 7-10 are patentable over the applied references, alone or in any rational combination. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 7-10.

***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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